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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

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9 BRANDON M. HICKS,

Case No. 3:15-cv-00215-MMD-WGC

10 v. Petitioner,

ORDER

11 RENEE BAKER, et al.,

12 Respondents.

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14 Petitioner has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C.
15 § 2254. (Dkt. no. 2.) The Court has reviewed the petition pursuant to Rule 4 of the Rules
16 Governing Section 2254 Cases in the United States District Courts, and the Court will
17 serve the petition upon respondents for a response.

18 Petitioner has filed a motion for appointment of counsel. (Dkt. no. 4.) Whenever
19 the Court determines that the interests of justice so require, counsel may be appointed
20 to any financially eligible person who is seeking habeas corpus relief. 18 U.S.C.
21 § 3006A(a)(2)(B). “[T]he district court must evaluate the likelihood of success on the
22 merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the
23 complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952 (9th Cir.
24 1983). There is no constitutional right to counsel in federal habeas proceedings.
25 *McCleskey v. Zant*, 499 U.S. 467, 495 (1991). The factors to consider are not separate
26 from the underlying claims, but are intrinsically enmeshed with them. *Weygandt*, 718
27 F.2d at 954. After reviewing the petition, the Court finds that appointment of counsel is
28 not warranted.

1 It is therefore ordered that the motion for appointment of counsel (dkt. no. 4) is
2 denied.

3 It is further ordered that the Clerk shall add Adam Paul Laxalt, Attorney General
4 for the State of Nevada, as counsel for respondents.

5 It is further ordered that the Clerk shall electronically serve upon respondents a
6 copy of the petition (dkt. no. 2) and this order. In addition, the Clerk shall return to
7 petitioner a copy of the petition.

8 It is further ordered that respondents shall have forty-five (45) days from the date
9 on which the petition was served to answer or otherwise respond to the petition.
10 Respondents shall raise all potential affirmative defenses in the initial responsive
11 pleading, including lack of exhaustion and procedural default. Successive motions to
12 dismiss will not be entertained. If respondents file and serve an answer, then they shall
13 comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States
14 District Courts, and then petitioner shall have forty-five (45) days from the date on which
15 the answer is served to file a reply.

16 It is further ordered that any exhibits filed by the parties shall be filed with a
17 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
18 attachments that are filed further shall be identified by the number or numbers (or letter
19 or letters) of the exhibits in the attachment. The hard copy of any additional state court
20 record exhibits shall be forwarded — for this case — to the staff attorneys in Las Vegas.

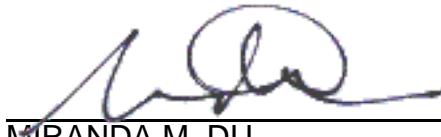
21 It is further ordered that henceforth, petitioner shall serve upon respondents or, if
22 appearance has been entered by counsel, upon the attorney(s), a copy of every
23 pleading, motion or other document submitted for consideration by the Court. Petitioner
24 shall include with the original paper submitted for filing a certificate stating the date that
25 a true and correct copy of the document was mailed to the respondents or counsel for
26 the respondents. The Court may disregard any paper received by a district judge or

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1 magistrate judge that has not been filed with the Clerk, and any paper received by a
2 district judge, magistrate judge, or the Clerk that fails to include a certificate of service.

3 DATED THIS 26th day of June 2015.

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6 MIRANDA M. DU
7 UNITED STATES DISTRICT JUDGE
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